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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,164	05/31/2001	Daniel Fishman	2857/106	8770
2101 7590 09/17/2008 BROMBERG & SUNSTEIN LLP 125 SUMMER STREET BOSTON, MA 02110-1618				
EXAMINER				
MIRZA, ADNAN M				
ART UNIT		PAPER NUMBER		
2145				
MAIL DATE		DELIVERY MODE		
09/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/872,164

Applicant(s)

FISHMAN ET AL.

Examiner

ADNAN M. MIRZA

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/01/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conmy (US 2001/0014867) and further in view of Henneuse et al (U.S. 5,963,913).

As per claims 10,1,14 Conmy disclosed a system for scheduling an event over a network in a calendar of an invitee (Page. 1, Paragraph. 0030), the event having a set of details provided by an event creator including at least a predetermined time for the event (Page. 1, Paragraph. 0011), the system comprising: that when selected by the invitee creates a schedule request including at least the predetermined time for the event and an identifier for the event creator (Conmy, Paragraph. 0067 & 0077), the schedule request directing the event to the invitee's calendar; at least on server, in communication with the network, to receive the schedule request and store the event in the invitee's calendar and in an event record that includes a second link to the invitee's calendar; and at least on database, in communication with server, to store the event record (Conmy, Paragraph. 0026,0030,0064-0067,0083).

However Conmy did not disclose in detail, "a first link, inserted in a web page associated with the event creator and including the event".

In the same field of endeavor Henneuse disclosed the server application then receives an event confirmation submitted by the scheduler using a client application to access the event confirmation page. IN response, the server application then creates and sends a message to each available participant to provide the schedule for the event. In one implementation, the event definition page, event reply page and event confirmation page are web pages on an Internet (col. 1, lines 63-67 & col. 2, lines 1-3).

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated the server application then receives an event confirmation submitted by the scheduler using a client application to access the event confirmation page. IN response, the server application then creates and sends a message to each available participant to provide the schedule for the event. In one implementation, the event definition page, event reply page and event confirmation page are web pages on an Internet as taught by Henneuse in the method of Conmy to make the user scheduling system more user friendly while being productive and make it more versatile.

3. As per claims 2,12,16 Conmy-Henneuse disclosed further including; creating a link from the event record to the event creator's calendar; and adding the event to the event creator's calendar (Conmy, Page. 1, Paragraph. 0010).

4. As per claims 3,13 Conmy-Henneuse disclosed wherein the network is the Internet (Henneuse, col. 2, lines 1-3).
6. As per claim 4 Conmy-Henneuse disclosed wherein the invitee's calendar, the event creator's calendar and the event record are stored in a database in communication with the server (Conmy, Page. 1, Paragraph 0013).
7. As per claims 5,11,15 Conmy-Henneuse disclosed wherein the schedule request is a hypertext transfer protocol request (Henneuse, col. 3, lines 1-8).
8. As per claim 6 Conmy-Henneuse disclosed wherein the invitee's calendar is part of a personal information management system (Conmy, Page 1, Paragraph. 0013).
9. As per claims 7,17 Conmy-Henneuse disclosed wherein the event creator changes at least one member of the set of details for the event, the method further including: updating the event record with the changed set of details; and updating the event in the invitee's calendar with the changed set of details using the link between the event record and the invitee's calendar (Conmy, Page 1, Paragraph. 0013).
10. As per claims 8,18 Conmy-Henneuse disclosed further including sending a notification message to the invitee including the changed set of details (Conmy, Page. 1, Paragraph. 0010).

11. As per claim 9 Conmy-Henneuse disclosed wherein the schedule is created using a link associated with the event (Henneuse, col. 1, lines 63-67 & col. 2, lines 1-3).

Response to Arguments

Applicant's arguments filed 08/01/08 have been fully considered but they are not persuasive.

Response to applicant's arguments is as follows.

A. Applicant argued that prior art did not disclose, information about a predetermined time for the event".

As to applicant's argument CONMY disclosed, "The calendaring system gathers the profiles for each of the one or more requested invitees and determines whether each of the invitees is available during the requested time interval Page. 1, Paragraph. 0013). One ordinary skill in the art at time of the invention knows that determining the invitees scheduled time is interpreted as information about predetermined time.

B. Applicant argued that office action does not point out any word or phrase in any of these claims that is, or causes the claims to be indefinite, nor does the office action identify any other grounds on which the claims may be considered.

As to applicants argument Examiner disclosed that computer failed to define computer readable medium within the specs and the word tangible computer is being indefinite therefore the claims stand rejected under 112 rejection.

C. Applicant argued that prior art did not disclose, “the creation of an event recorder and the creation of a link between the event recorder and the calendar of the invitee”.

As to applicant’s argument Henneuse disclosed, “In one embodiment, the server application creates the event confirmation page such that it has restricted access to allow access only to the initiating scheduler. In the Internet implementation, server application provides both the event reply page and the event confirmation page as web pages to which the scheduler and the requested participants have access using respective client applications 12 and 14. In step 24 server application 16 creates and sends an electronic mail message to each requested participant where each message includes a link to the event reply page (col. 3, lines 38-48).

D. Applicant argued that Conmy did not disclose, “in which an invitee interacts with a web page to scheduled an event in the invitee’s calendar”.

As to applicant's argument Conmy disclosed, "According to one embodiment of the present invention, profiles 202 and calendar files 210 may be stored in an electronic mail file associated with each user. Collectively, the profiles 202 and the calendar files 210 comprise availability information for a particular user. The electronic mail file may then be stored on one or more of servers associated with the particular user (Page. 2, Paragraph 0031).

E. Applicant argued that Henneuse did not disclose that each participant to an event has a calendar.

As to applicant's argument, the claim language didn't disclose every participant has a calendar, on the other hand Henneuse did disclose in general, the event reply page includes a display of one or more options defined by the scheduler as well as other event information defined by the scheduler (col. 3, lines 29-33).

D. Applicant argued that Henneuse did not disclose the use of calendars of either an invitee or inviter.

As to applicants argument Henneuse disclosed the requested participants can use the link to the event reply page and client applications can use the link to the event reply page and client applications to access and view the event reply page (col. 3, lines 59-63).

Conclusion

14. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

15. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571)-272-3933. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

/A. M. M./

Examiner, Art Unit 2145

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145